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1	BEFORE THE ARIZONA CORPORATION OF MINISTRAL CHARLES IN THE STATE OF TH
2	WILLIAM A. MUNDELL DOCKETED
3	Chairman JIM IRVIN Commissioner MAR 3 0 2001
4	MARC SPITZER DOCKETED BY
5	Commissioner
6	IN THE MATTER OF THE APPLICATION) DOCKET NOS. T-01051B-01-0062 OF QWEST CORPORATION F/K/A U S WEST) T-03890A-01-0062
7	COMMUNICATIONS, INC. FOR APPROVAL)
8	OF AN AGREEMENT FOR) INTERCONNECTION, UNBUNDLED) DECISION NO. 63500
9	NETWORK ELEMENTS, ANCILLARY)
- [COMMUNICATION, INC. D/B/A ELEC)
10	<u>COMMUNICATIONS</u>) <u>ORDER</u>
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12	March 27 and 28, 2001 Phoenix, Arizona
13	BY THE COMMISSION:
14	FINDINGS OF FACT
15	1. On January 19, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST
16	Communications, Inc., filed an application for approval of an Interconnection Agreement between
17	Qwest, and Essex Communications, Inc. ("Essex") d/b/a eLEC Communications. The term of the
18	Agreement shall be effective upon Commission approval and remain in effect until January 26,
19	2003. Upon expiration, the agreement shall remain in force and effect until terminated by either
20	party on one hundred sixty (160) days written notice. The Agreement governs the terms and

22 2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation.

conditions under which Qwest will offer interconnection to Essex.

26 3. This Agreement between Qwest and Essex was voluntarily negotiated, without resort to arbitration.

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4. Under the terms of the Agreement, Qwest will provide specified local exchange services for Interconnection, Resale, Collocation and Unbundled Network Elements to Essex. Generally, Qwest services will be made available to Essex for resale at a twelve (12) percent discount for residential customers and an eighteen (18) percent discount for business customers.

- 5. According to the 1996 Act and Commission Rule, the Commission must approve voluntarily negotiated interconnection and resale agreements, if their provisions are non-discriminatory and in the public interest.
- 6. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.
- 7. Since there are no grounds for rejection of the Agreement pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the Interconnection Agreement between Qwest and Essex.

CONCLUSIONS OF LAW

- 1. Qwest is an Arizona public service corporation within the meaning of Article XV, Section 2, of the Arizona Constitution.
- 2. The Commission has jurisdiction over Essex and over the subject matter of the Application.
- 3. The Commission, having reviewed the Application and Staff's Memorandum has determined that the Interconnection Agreement negotiated between Qwest and Essex meets the requirements of Section 252(e)(2)(A) of the 1996 Act which governs the approval of voluntarily-negotiated agreements and is in the public interest.
- 4. The Commission maintains jurisdiction over the subject matter of the Agreement and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules promulgated thereunder.

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ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the Interconnection Agreement between Qwest and Essex filed on January 19, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

La Marthado	
CHAIRMAN	COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this day of Manch, 2001.

BRIAN C. MCNEIL Executive Secretary

DISSENT:

DRS:EAA:lhm

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